

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

LONGWELL COMPANY A/K/A OR
D/B/A NEWPORT LANDING, LLC

v.

ASPEN SPECIALTY INSURANCE
COMPANY AND ASPEN
INSURANCE UK LIMITED

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§
§
§

C.A.NO. _____

NOTICE OF REMOVAL

Defendant, Aspen Insurance UK Limited (hereinafter “Defendant”), files this, its Notice of Removal of this dispute to the United States District Court for the Northern District of Texas, and respectfully shows unto the Court the following:

I.
PENDING STATE SUIT

1. On January 2, 2015, Longwell Company a/k/a or d/b/a Newport Landing, LLC (hereinafter “Plaintiff”) filed a civil action against Defendant and Aspen Specialty Insurance Company in the District Court of Dallas County, Texas, Cause Number DC15-00055, alleging breach of an insurance contract, violations of the Deceptive Trade Practices Act, and various other alleged violations of a contractual or extra-contractual nature.

2. The matter being removed is *Longwell Company a/k/a or d/b/a Newport Landing, LLC v. Aspen Specialty Insurance Company and Aspen Insurance UK Limited*, Cause No. DC15-00055 in the 95th Judicial District Court of Dallas County, Dallas, TX.

3. The name and address of the court from which the case is being removed is:

95th Judicial District Court of Dallas County, Texas
600 Commerce Street #101
Dallas, Texas 75202
214-653-6893

4. In accordance with Local Rule 81.1(a), the following documents are indexed and attached hereto as Exhibit 1, attachments (a) – (b):

- a) Completed civil cover sheet;
- b) A supplemental civil cover sheet;
- c) A notice of removal with each of the following attached:
 - i. An index of all documents that clearly identifies each document and indicates the date the document was filed in state court;
 - ii. A copy of the docket sheet in the state court action;
 - iii. Each document filed in the state court action except discovery material; and
 - iv. A separately signed certificate of interested persons that complies with LR 3.1(c) or 3.2(e).

5. There are no related case materials under Rule 3.3(a). No orders have been signed by the state judge.

II.

TIMING OF REMOVAL AND CONSENT

6. Defendant received the Original Petition from state court on January 21, 2015. Aspen Specialty Insurance Company has not yet been served. Pursuant to 28 U.S.C. Section 1446, this removal is timely as it is being filed within thirty (30) days of receipt of Plaintiff's Original Petition.

7. Counsel for Defendant Aspen Insurance UK Limited has received agreement and consent from Aspen Specialty Insurance Company to remove this action. All defendants in this action consent to this removal.

III.

JURISDICTION

8. This case is removed based on Diversity of Citizenship pursuant to 28 U.S.C. Section 1332. Plaintiff, Longwell Company, is believed to be a Washington corporation with its principle place of business in Bellevue, Washington. Aspen Specialty Insurance Company is a North Dakota Corporation having its principle place of business in Stamford, Connecticut. Defendant Aspen Insurance UK Limited is incorporated under the laws of the United Kingdom and has its principal place of business in London, England. Complete diversity of citizenship exists between all parties. Moreover, Plaintiff seeks damages in excess

of seventy-five thousand dollars (\$75,000.00), fulfilling the amount in controversy requirement. Accordingly, this Court has jurisdiction based on diversity of citizenship and amount in controversy pursuant to 28 U.S.C. section 1332.

IV.
VENUE

9. Pursuant to 28 U.S.C. 1441(a), venue of the removed action is proper in this Court because the 95th Judicial District Court of Dallas County, Texas, the court in which the state action is currently pending, is located in the district and division of this Court.

V.
ANSWER

10. Defendant Aspen Insurance UK Limited filed its original answer in state court prior to removal. Defendant Aspen Specialty Insurance Company has not been served yet.

VI.
NOTICE TO ADVERSE PARTIES AND TO STATE COURT

11. Defendant will give prompt written notice of the filing of this Notice of Removal to Plaintiff as required by 28 U.S.C. Section 1446(d).

12. Defendants will promptly file a copy of this Notice of Removal with the 95th Judicial District Court of Dallas County, Texas, the court in which the state action is currently pending, as required by 28 U.S.C. 1446(d).

WHEREFORE, in conformity with 28 U.S.C. 1446, Defendant respectfully removes that civil action, styled Cause No. DC15-00055; *Longwell Company a/k/a or d/b/a Newport Landing, LLC* v. *Aspen Specialty Insurance Company and Aspen Insurance UK Limited*, Cause Number DC15-00055, in the 95th Judicial District of Dallas County, Texas to the United States District Court for the Northern District of Texas.

Respectfully submitted,

DONATO, MINX, BROWN & POOL, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded to all counsel of record via electronic filing on this the 17th day of February, 2015.

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s/ Mark R. Pickering